

1 Q. For what misconducts?

2 Certainly not A159045?

3 A. I did three months in the hole
4 for supposedly threatening this
5 officer.

6 Q. And when was that?

7 A. That's when I got out in
8 December. So October ---.

9 Q. That was in the fall?

10 A. Yeah.

11 Q. We'll get there. You also
12 state that Defendant Miknich violated
13 your due process and equal protection
14 rights. How did he do that? And
15 that's paragraph seven.

16 A. Well, that pertains to my
17 legal pursuits. My right to pursue
18 legal remedies and relief. My right
19 to have legal documents pertaining to
20 my case. Seizure of my personal
21 property in violation of DOC policy
22 and procedure.

23 Q. If you go to paragraph nine,
24 paragraph nine alleged that
25 Superintendent Shannon failed and

1 refused to render and perform
2 services, duties. What services?

3 A. The ones he's paid to do. The
4 duties he's paid to perform.

5 Q. Like what duties are you
6 talking about?

7 A. This man has compromised his
8 entire office, his entire
9 administration to support this
10 violator. He had lied.

11 Q. What violator are we talking
12 about?

13 A. Miknich, Mooney, all of them.

14 Q. And how did he do that?

15 A. By supporting them,
16 compromising his position to do
17 what's right, to follow DOC policy
18 and procedure or to even be honest,
19 the man corrupts his position to
20 support his employees regardless of
21 what is done or said.

22 Q. Well, what did he do to
23 corrupt his position?

24 A. Well, he supported --- even
25 the first misconduct, it's frivolous.

1 It has no merit. It had no DOC
2 policy or procedural standing and yet
3 he supported it. Why? He doesn't
4 know his job, of course he does.
5 Also, he received a document that
6 they put me in the hole three months
7 a week before they put me in the
8 hole, at that time they said I had
9 threatened Miknich. From this
10 document there's no threat in the
11 document. I sent the document to
12 him, explaining to him that he
13 refuses to address these problems and
14 that he only --- that he sends people
15 to threaten me, not to proceed with
16 these issues. And then when I send
17 him a document telling him, you know,
18 he doesn't need to send his threats,
19 he doesn't have to worry, I'm going
20 to no longer proceed with these
21 issues to this administration, but
22 that I'm going to proceed with them
23 to outside agencies. I told him I'm
24 not responsible for any of these
25 situations, circumstances or events,

1 you know. He sends this document to
2 his superiority office, week later
3 they call me down. They want to know
4 who the staff members are that I
5 mentioned in there. And when I
6 refused to tell them, they threw me
7 in the hole. Later on that night I
8 get a misconduct saying I threatened
9 Miknich in the statement. In the
10 appeal he never responded to the
11 appeal to his office because I put
12 him on paper asking him if there was
13 a threat in the document to Mr.
14 Miknich why didn't he respond to it.

15 Q. Let's slow down a minute. Are
16 we talking about this misconduct
17 appeal or another misconduct?

18 A. Another one.

19 Q. Well, we'll get those. He did
20 respond, though, to this misconduct;
21 correct, you got a copy of his
22 response?

23 A. To that one he evidently did,
24 but the one I'm referring to, he did
25 not.

1 Q. We'll get there. You also say
2 that he collaborated with staff.
3 What evidence do you have that he
4 collaborated with staff?

5 A. Right what I'm speaking about.
6 His refusal to enter an appeal on
7 that misconduct that had me in the
8 RHU knowing he couldn't respond to it
9 unless he dismissed it because he
10 found no threat in it or action would
11 have been taken at that time.

12 Q. Is this the misconduct?

13 A. It could be.

14 Q. I think this is Exhibit D.
15 Mr. Culver, will you look through
16 this misconduct?

17 (Deposition Exhibit D
18 marked for
19 identification.)

20 A. Uh-huh (yes).

21 BY ATTORNEY LEWIS:

22 Q. We have numerous letters here
23 to PRC, numerous appeals. Isn't it
24 true that they were all responded to?

25 A. Yeah, but not honestly. I

1 mean, this is just processing.

2 Q. And isn't it true that ---?

3 A. They manipulate the record any
4 way they want with any kind of
5 response they want and there's
6 nothing you can do about it.

7 Q. You look through the packet,
8 on November 2nd, 2000, you received a
9 two-page response from Superintendent
10 Shannon; correct? It's the last page
11 in the packet, last two pages.

12 A. No, I never got this. No, I
13 never seen this before.

14 Q. Well, it's addressed to you.

15 A. It might be addressed to me,
16 but I never received it.

17 Q. You never received it.

18 A. You fail to understand how
19 this administration works. It works
20 any way it chooses to. It
21 manipulates the record any way it
22 chooses to. It responds to things
23 when it chooses to. You receive
24 copies when they decide you will.
25 And you don't when they decide you

1 won't.

2 Q. Directing your attention to
3 paragraph nine of the complaint. You
4 allege that the superintendent failed
5 to provide adequate care and
6 treatment.

7 A. Number nine. Uh-huh (yes).

8 Q. What care and treatment are
9 you talking about?

10 A. Fair and impartial treatment.
11 Ever since I've been here, I mean, I
12 just recently established working
13 privileges. But for these first
14 three years I was here I was denied
15 everything. I was not permitted to
16 work. I was not given inmate
17 compensation. I wasn't allowed to do
18 nada. Is that fair and partial
19 treatment? Of course not. All the
20 other inmates are permitted these
21 things, I was not. Why? Because I
22 filed a grievance on a violation by
23 this administration's staff.
24 Therefore, I was ground up, I was not
25 permitted to work. I was not

1 permitted to receive inmate
2 compensation. I was not permitted to
3 take program or whatever. I don't
4 know. You tell me.

5 Q. You also allege that Defendant
6 Shannon violated your 1st, 4th, 8th
7 and 14th Amendment rights.

8 A. Uh-huh (yes).

9 Q. How did he do that?

10 A. Well, that would take a lot of
11 litigation to go over all that.

12 Q. Let's break it down. What did
13 he do that violated your 1st
14 Amendment right?

15 A. Well, I'm not going to be able
16 to cite everything right at this
17 moment because I'm not prepared. I
18 could go through my records and give
19 you a list.

20 Q. Send me a list.

21 A. I'm not able to even answer
22 all these questions completely
23 because I don't have all my records.

24 Q. What evidence do you have? I
25 mean, you made the allegation in the

1 complaint.

2 A. The same thing has been going
3 on since I filed that first grievance
4 have been daily, daily, almost daily
5 harassment by staff and everything
6 else.

7 Q. We're going to stick to this
8 complaint.

9 A. I can't even --- I don't even
10 have enough paper to cite all the
11 incidents and things that occur. And
12 up to this date, I've been enduring
13 this. Why? Because this officer
14 took my legal work and the
15 administration refused to return it
16 and supported all the violations,
17 therefore, being committed by this
18 officer and other staff.

19 Q. And that's how he violated
20 your rights?

21 A. Well, nobody is doing anything
22 right here. You know, this was a
23 very simple incident to begin with,
24 very simple. Just return the legal
25 work. No.

1 Q. Did you file ---?

2 A. I had to be penalized for
3 filing something on a staff member.
4 I had to be put in the hole. I had
5 to be ground up, so to speak.

6 Q. You received a misconduct for
7 that incident in March; correct, and
8 it was appealed; correct? We're back
9 here to the March incident --- or
10 April, excuse me.

11 A. The first misconduct?

12 Q. Yes.

13 A. Yes.

14 Q. The incident you're talking
15 about is your legal materials?

16 A. I've been trying to get this
17 back ever since I got ---.

18 Q. And you also filed the
19 grievance; correct? And the
20 grievance was responded to; correct?

21 A. Right.

22 Q. Let's move to paragraph ten.
23 You allege that Carol Dotter through
24 refusal and neglect of her duties has
25 obstructed, hindered and prevented

1 his ability to establish legal
2 relief, remedies and pursuits?

3 A. Uh-huh (yes).

4 Q. Can you tell me how she did
5 that?

6 A. I can give you a pile of
7 copies of her efforts to prevent due
8 process.

9 Q. When you filed grievances with
10 Ms. Dotter, she responded to them;
11 correct?

12 A. Hardly ever.

13 Q. Hardly ever?

14 A. Hardly ever. She refused to
15 accept them.

16 Q. And if I show you a pack of
17 grievances that have responses to
18 them ---.

19 A. Then you can imagine how many
20 I had to file that are not there.

21 Q. But you received responses?

22 A. To some.

23 Q. To some?

24 A. When they deemed it
25 appropriate to respond to certain

1 ones.

2 Q. And what grievances are you
3 talking about?

4 A. I can't --- there is quite a
5 few. I meant there's many. I've had
6 nothing but problems with this
7 administration, battles to try to ---
8 grievance issues.

9 Q. And what evidence do you have
10 that Ms. Dotter collaborated with
11 other individuals?

12 A. Well, I would have to go
13 through the records and cite
14 documentation of that.

15 Q. Can you name a few?

16 A. Offhand I can't. No. I would
17 have to refer to the records and get
18 copies of the documentation
19 supporting that.

20 Q. When you wrote this paragraph,
21 do you recall what information you
22 had to make the allegation?

23 A. Well, first of all, it is very
24 evident with the evidence
25 documentation that I have that Ms.

1 Dotter has, in fact, utilized her
2 office to try to prevent these issues
3 from being processed on record.

4 Q. What issues?

5 A. I would have to get the
6 grievances and cite them.

7 Q. You also state that your
8 remedies were lost. What remedies
9 were lost? Can you tell me?

10 A. Remedies that I could have
11 obtained through the legal efforts I
12 was pursuing. I can't really ---.

13 Q. What specifically were you
14 looking for? What was the remedy
15 here that she, in some way,
16 prevented?

17 A. Carol Dotter, remedies to all
18 this mess, giving back my legal work,
19 leave me alone, treat me fairly and
20 unbiasedly, give me, you know, the
21 privileges other inmates are getting
22 at this administration. I've been
23 being denied all this until recently
24 Camp Hill basically handed down maybe
25 orders, I don't know, but they gave

1 me a job. They finally gave me a job
2 six months ago. I was given a job.

3 Q. Now, in order to have a job,
4 must you be misconduct free or be out
5 of the RHU?

6 A. Sure.

7 Q. And at some point you were in
8 the RHU; correct?

9 A. At many points I was not.

10 Q. But you were in the RHU ---?

11 A. I was on false allegations,
12 false charges because I proceeded to
13 file grievances on administrative
14 staff members, yes.

15 Q. How did Ms. Dotter violate
16 your 1st Amendment rights?

17 A. Well, she uses her position to
18 prevent proper resolution to the
19 issues. She certainly did nothing to
20 try to return the legal documents to
21 me. It was her position to resolve
22 that issue, as it was with any other
23 issue. She just has failed to
24 resolve any issue adequately,
25 properly and honestly.

1 Q. How did she violate your 4th
2 Amendment right?

3 A. Where are we at in here?

4 Q. Paragraph 13.

5 A. I'm on the wrong page. 4th
6 Amendment, can I even remember what
7 that says? I can't even recall what
8 the 4th Amendment is at this time.

9 Q. What about the 8th?

10 A. Offhand, I can't recall what
11 these are, other than the 1st. I
12 have a copy of them somewhere but
13 they're not with me.

14 Q. Let's move to paragraph 14.
15 It states that Linda Chismar has
16 conspired and collaborated with
17 offending staff. What evidence do
18 you have of that?

19 A. Documented evidence. She
20 blatantly lied on record.

21 Q. On what record about what?

22 A. Well, they had filed a
23 grievance on me saying that when they
24 put me in the hole they said that I
25 had damaged items in the cell and

1 when I cited a --- when I moved in
2 the cell, the item that they were
3 accusing me of breaking was already
4 broken. I had reported it to the
5 officer and he wrote a report and
6 when I informed them of that written
7 report, Ms. Chismar falsified the
8 record saying she had that document
9 and that it had nothing to do with
10 the --- that the item was okay when I
11 moved in there. She knew she was
12 lying, but this is just the way these
13 individuals conduct themselves.

14 Q. So Ms. ---.

15 A. She lied to support the
16 misconduct. She also never did
17 anything when I went to her about the
18 legal work that day. She could have
19 just called over there and had that
20 officer --- she could have just cited
21 DOC policy and procedure to give me
22 back my legal ---.

23 Q. What date are we talking about
24 concerning this cell and broken item?

25 A. I don't know. I don't know

1 whether that was the first time they
2 put me in the hole saying I had
3 broken it or second. I would not
4 know. I do not know. They were just
5 trying to give me misconducts any way
6 they could and support them by saying
7 anything they could.

8 Q. So she too falsified records?

9 A. Most certainly.

10 Q. And you have here that she

11 ---.

12 A. I have proof that she lied on
13 record, falsified documents.

14 Q. What proof do you have?

15 A. First of all, I asked for ---
16 the document that she was citing that
17 she said she had right in front of
18 her, it was impossible for her to
19 have because she was lying. That was
20 never produced. When the PRC
21 inadvertently cited the date of the
22 document she was referring to, it was
23 for a time when I was in a different
24 cell, half a year, a year earlier.

25 Q. What document are we talking

1 about?

2 A. The one she said she had that
3 was supporting the misconduct.

4 Q. Supporting what misconduct?

5 A. That I damaged the item in the
6 cell. But I had done all the work
7 for her citing the dates and
8 everything through this and what
9 document it was. She said she had
10 it. It was sitting right there in
11 front of her signed by the officer
12 that I cited and that it said
13 something that it couldn't have said
14 because I know --- I read the report
15 the officer wrote. I made ---.

16 Q. And you have these documents?

17 A. Yes, I do. But it's just a
18 small example of the way they have no
19 problem lying on record or lying
20 against inmates to support other
21 staff action.

22 Q. And how did she violate your
23 rights?

24 A. Well, by not performing the
25 duties she paid to do, the care and

1 treatment of inmates honestly and
2 ---.

3 Q. What duties didn't she
4 perform?

5 A. Her job. She uses her
6 position to support corruption.
7 Should people be getting paid tax
8 dollars to do that. There are many
9 people out there that can do these
10 jobs honestly and professionally if
11 the individual comes in here and
12 abuses their position in forms of
13 corruption. They really don't have
14 any right to those paychecks; do
15 they?

16 Q. What did she do that was
17 corrupt?

18 A. She compromises her position
19 in any way she feels or deems
20 necessary.

21 Q. And how does that relate to
22 this complaint? What did she do?

23 A. Well, she's involved in
24 misconducts that they were trying to
25 get me in between. They were all

1 just trying to ruin my record,
2 degrade my record, make me out to be
3 whatever they wanted me to be in
4 retaliation for my efforts to try to
5 get my legal work back and to resolve
6 the issues I was having with Mr.
7 Miknich, Officer Miknich.

8 Q. So you're telling me that ---?

9 A. This is all a collaborated
10 grind Mr. Culver up thing. I mean,
11 I've done nothing wrong. And that's
12 the point of all this. I'm not the
13 violator. I'm not the --- I mean,
14 I'm in jail, but I'm not the bad guy
15 in all of this. I simply was trying
16 to do my legal work and the rest is
17 violation, retaliation, you know, and
18 everything else. So I just ---.

19 Q. And the retaliation and
20 correct me if I'm wrong, is because
21 you filed the initial grievance in
22 April?

23 A. Yes, I do believe because a
24 violation was committed against me by
25 a staff member and I filed it on

1 record. Yes, I do believe that.

2 It's quite evident.

3 Q. Paragraph 16, you say that
4 Kevin Kane used his authority to
5 fairly, impartially and justly
6 towards Plaintiff. He failed to
7 fairly, impartially and justly
8 towards Plaintiff. I think that's
9 --- authority, fairly, impartially
10 and justly towards Plaintiff.
11 Explain that to me. What do you mean
12 by that?

13 A. Kevin Kane has failed and
14 refused to render services and duties
15 entrusted to his authority fairly,
16 impartially and justly towards
17 Plaintiff. He's just like the rest
18 of them. He compromises his position
19 to support violations committed by
20 fellow staff members of this
21 administration. He will not correct
22 the situation or justify the record.

23 Q. And he was the hearing
24 examiner in both of those
25 misconducts; correct?

1 A. For all of them, yes.

2 Q. And you received sanctions as
3 a result of those misconducts;
4 correct?

5 A. Yes, I did.

6 Q. And how did he violate your
7 constitutional rights?

8 A. Supporting the staff
9 violations. I do feel that he
10 collaborated with Vincent Mooney to
11 give me three months in RHU for no
12 violation, just to grind me up to
13 make me shut up because I'm a wise
14 guy for filing on record these
15 violations of staff.

16 Q. And just once again, in this
17 ---.

18 A. He also falsified a record
19 document date. It turned out that he
20 didn't need to, but he did.

21 Q. He falsified ---.

22 A. There was six of us that went
23 to the hearing that day and everybody
24 else's documents were dated correctly
25 except for mine. It was because time

1 limitations under the old policy
2 would have ran out and I said
3 something about it and so he
4 backdated those records and I noticed
5 it after the hearing and then I guess
6 the new policy took affect that date.
7 So evidently he wasn't sure at that
8 time whether it was effective or not.
9 So he just backdated the documents so
10 the time limitations wouldn't have
11 run out as I injected in my ---.

12 Q. So you appealed the misconduct
13 that Mooney wrote on you and I think
14 it was misconduct number A212770;
15 correct? Do you have the packet?

16 A. This packet?

17 Q. This one here.

18 A. What number?

19 Q. 212770. And you appealed
20 this?

21 A. Yeah, this is the one Shannon
22 never responded to until I see this
23 today.

24 Q. And it went to the Chief
25 Hearing Examiner, Mr. Bitner's

1 office; correct? And it went to the
2 superintendent also.

3 A. Yeah, that's proof of this
4 because I never filed to Camp Hill.
5 I was waiting on the superintendent's
6 response, which I never got, so I
7 never appealed to Camp Hill. This
8 appeal never went to Camp Hill
9 because I was waiting on the
10 superintendent's response, which I
11 never got and I got a response from
12 Camp Hill and I wrote them saying,
13 well, I can't even appeal this to
14 your office. I'm still waiting on
15 the superintendent's response, which
16 I never got. And so I filed again to
17 the superintendent. He said he made
18 a response, but he never gave me a
19 response and I never filed it to Camp
20 Hill.

21 Q. Well, we have a response from
22 the chief hearing examiner and said
23 he reviewed the record of the appeal.

24 A. Where's my appeal to Camp Hill
25 then?

1 Q. I think we have a document
2 that's dated October 13th that is
3 another appeal to Superintendent
4 Shannon. We have a program review
5 committee decision dated October 5th.
6 I mean, you can look through the
7 packet.

8 A. And there's no appeal to Camp
9 Hill. I never got this response from
10 Shannon. He knows it. I know it.

11 Q. Well, but you wrote to the
12 superintendent on October 25th.

13 A. Yes.

14 Q. The response is ---.

15 A. He said he gave me a response,
16 but I never got it. And I told him
17 that repeatedly. I told him I never
18 got a response from him. He could
19 have just gave me a copy; correct?

20 Q. I think his response is dated
21 after there were two letters to him.

22 A. Right. That would be correct.

23 Q. So he responded to you.

24 A. I never got it. Oh, this one.
25 Yeah, I never got it. He evidently

1 made one up after he told me he gave
2 me one and that's why it's dated
3 later, after my responses of not
4 receiving it. And I still never got
5 a copy.

6 Q. So you're saying he made it
7 up?

8 A. And I never appealed it to
9 Camp Hill because I was waiting for
10 that response which I never got. And
11 I would love to read this in full. I
12 never even seen it.

13 OFF RECORD DISCUSSION

14 A. Unless he's got his records
15 confused, he's referring to a
16 different appeal because all he has
17 cited is a PRC response and then
18 Chief Bitner's office response, the
19 final review and he isn't even in
20 there, his office, his chain of
21 command. I can't even understand
22 this. This is incorrect, but it
23 still doesn't have his chain of
24 command included. Wait a minute.
25 Yeah, this is all incorrect.

1 Hogwash.

2 BY ATTORNEY LEWIS:

3 Q. And how did Hearing Examiner
4 Kane violate your constitutional
5 rights?

6 A. By supporting and giving
7 sanctions on frivolous --- these
8 frivolous misconducts that half of
9 which had no merit. The document
10 that they said was a threat to
11 Miknich and his family, there's no
12 threat in that document. It's a
13 written document.

14 Q. You're talking about the
15 misconduct?

16 A. I'm talking about the one he
17 gave me three months in RHU on.

18 Q. That's 212770, the one we just
19 looked at?

20 A. Yes.

21 Q. Paragraph 18 of your complaint
22 ---.

23 A. Plus there was a history of
24 Miknich filing frivolous misconducts
25 stating that I threatened him and his

1 family which were not supported by
2 his own authority and yet this one
3 was.

4 Q. Well, wasn't this misconduct
5 issued by Mooney, Captain Mooney?

6 A. Vincent Mooney, yes. That was
7 on the document that he received a
8 week after it was received by
9 Superintendent Shannon. It was to
10 Superintendent Shannon because he had
11 basically sent threats by way of Ms.
12 Chismar to me not to pursue these
13 efforts or these issues.

14 Q. And the issues we're talking
15 about?

16 A. I was told I was making
17 enemies in high places.

18 Q. And who told you this?

19 A. Ms. Chismar.

20 Q. Paragraph 18 in your complaint
21 you state that Mooney deliberately
22 accosted Plaintiff with retaliatory
23 assaults of false claims, allegation
24 and charges. What charges are you
25 talking about and allegations?

1 A. The gasket he blew when I
2 wouldn't give him information he
3 wanted on the staff mentioned in that
4 document to Shannon.

5 Q. And when - - - ?

6 A. He had me thrown in the hole
7 later on. He devised this misconduct
8 that I had threatened to harm Miknich
9 and his family.

10 Q. The false accusations would be
11 in this misconduct; is that what
12 you're saying?

13 A. It's all false, sure. There's
14 nothing true there. I've threatened
15 nobody. I have 18 years in the
16 prison system. I have no misconducts
17 even close relating to these
18 misconducts these people are giving
19 me. It's totally out of my
20 character.

21 Q. You also said that he
22 collaborated efforts with Defendants
23 Shannon and Kane. What evidence do
24 you have of that?

25 A. They all know what's up. They

1 all know these are frivolous charges.
2 They all know I haven't threatened
3 anybody. They all know that I'm
4 filing grievances on a violation by
5 one of their staff members who they
6 backed up from day one, that they're
7 not going to change up now. They're
8 just going to continue suppressing
9 me, the whistle blower or whatever
10 you want to call me.

11 Q. Paragraph 20, it states that
12 Vincent Mooney assaulted you by
13 threatening you with bodily harm.
14 Tell me how that happened.

15 A. There was a security
16 situation, L5 D-pod. The inmates
17 were holding trays because the
18 officer working wasn't feeding
19 individuals he didn't like. So there
20 was a bit of a --- I don't know what
21 you call it, maybe a rebellion and
22 the inmates were holding trays until
23 everybody got fed. It was a security
24 situation. They sent Captain Mooney
25 and some other lieutenant. I don't

1 know his name. And they were on the
2 pod investigating the situation. And
3 he came by and looked in my door and
4 I said, you're here to lie on
5 somebody else. I shouldn't have said
6 that, but I'm sitting here doing
7 three months in RHU for doing nothing
8 because this individual lied on me.
9 He snaps out. He's kicking and
10 punching the door, telling me --- I
11 can't even remember all he was
12 saying. I'm lucky there's a door
13 between me and him and this and that.
14 But I know the video cameras are on
15 because it's a security situation on
16 this V-pod. So I file charges on
17 this guy because he's doing exactly
18 what he falsely states I did and why
19 I'm being held in the RHU. This
20 individual, the captain of the
21 security office, and he's making
22 slanderous remarks to the whole pod
23 trying to instigate inmate aggression
24 against me and everything else. So I
25 filed charges of his terroristic

1 threats and everything to the state
2 police. They never do anything, but
3 I also sequestered those tapes for
4 evidence because I know they exist.

5 Q. Let's back up a minute.

6 A. To his office, to the
7 superintendent's office, the Camp
8 Hill office, to every office I could
9 possibly think of because I knew they
10 would try to make those tapes
11 disappear.

12 Q. Let me ask you a question.
13 This date you say is October 13th,
14 2000. This is while you're still in
15 the midst of appealing your
16 misconduct that Mooney brought on
17 you; correct?

18 A. Most possibly, yes. I was
19 doing everything to try to get out of
20 that situation I was wrongfully
21 subjected to.

22 Q. I think you'll note in your
23 misconduct packet on the 12th, I
24 think you wrote an appeal to
25 Superintendent Shannon concerning the

1 misconduct that Mooney wrote;
2 correct?

3 A. Okay.

4 Q. That's your appeal that's
5 dated the 12th of October; correct?

6 A. Uh-huh (yes). Yes.

7 Q. So this is the next day?

8 A. I don't know, 10/12.

9 Q. And you have in your complaint
10 10/13.

11 A. I was in the hole --- or RHU
12 at this time, yes.

13 Q. On the misconduct that Mooney
14 wrote; correct?

15 A. Yes.

16 Q. Did you file a grievance
17 concerning his alleged activities,
18 Mooney's?

19 A. I might have. I don't know.
20 I've tried everything to resolve
21 these problems. And like I said, I
22 have a pile of efforts trying to
23 grieve issues and most of them
24 rejected and few responded to and
25 I've been going through it. I have

1 like 500 documents on this stuff.

2 Q. Did you also file a complaint
3 with the Bureau of Professional
4 Responsibility concerning Mr. Mooney?

5 A. Possibly. I'm pretty sure I
6 did.

7 Q. And do you remember giving an
8 interview to a Lieutenant Datcho
9 (phonetic)?

10 A. Yes, I do remember that.

11 Q. And this matter was
12 investigated that you alleged;
13 correct?

14 A. If you call it that, by a
15 fellow staff member, yes, who tried
16 to rationalize his conduct and
17 everything which is cited was not
18 appropriate professionally and that
19 it did jeopardize my safety within
20 this facility.

21 Q. And do you recall if any
22 action was taken against Captain
23 Mooney?

24 A. No, I never got a response,
25 no. Nothing has changed.

1 Q. How did Defendant Mooney
2 violate your constitutional rights?

3 A. By using his position the way
4 he does. He abuses his authority.
5 He uses his position to abuse me
6 personally. My biggest issue over
7 all this, besides the legal work, is
8 basically the unprofessionalism and
9 the authoritative abuse by a lot of
10 staff members in this administration.
11 Like I said, there's many people out
12 there that can do these jobs honestly
13 and professionally that should be
14 given these positions instead of
15 individuals that are going to
16 compromise the position and abuse
17 their authority in any way they
18 choose to.

19 Q. How was Defendant Mooney
20 unprofessional?

21 A. Well, you could ask probably
22 anybody in the institution that
23 question and you'd get a number of
24 responses. But he's very
25 unprofessional and very

1 authoritatively abusive. He follows
2 no rule, no policy, no directive
3 other than when he has to. But he
4 manipulates the system anyway he
5 chooses to, to achieve his own
6 agenda. In this case, to retaliate
7 against me. He is the one that wrote
8 this misconduct that placed me in the
9 hole for 90 days when I had done
10 nothing wrong other than try to
11 appeal for the return of my legal
12 materials and to prevent this Officer
13 Miknich from continuing to accost me
14 with false allegations and
15 misconducts. That's all. I'm not
16 asking for anything wrong. I'm not
17 asking for anything extra. I'm not
18 asking for any favors. I'm asking
19 for what's right, you know.

20 Q. In paragraph 19 you state that
21 Mooney had collaborated efforts with
22 Defendants Shannon and Kane. How?

23 A. They're all aware of the
24 situation, circumstances and events.
25 They're all aware what they're doing

1 is wrong. They're all manipulating
2 their positions and using their
3 authority to retaliate against me.

4 Q. And what evidence do you have
5 that they collaborated?

6 A. All that I have.

7 Q. And what's all that you have?

8 A. Like I said, about 500
9 documents involving all this. I
10 would love to show them to the court,
11 love to. There's so many things that
12 I have that ain't even included in
13 all this. You know, it's just you
14 would not believe the retaliation I
15 have had to put up with since I filed
16 for that legal work to be returned.

17 Q. You allege in paragraph 23
18 through 26 that Martin Horn failed to
19 perform duties and that he was
20 negligent, he is responsible for
21 these incidents. Can you explain
22 those paragraphs?

23 A. Basically as an administrator
24 of the DOC I do believe it's
25 procedural.

1 Q. Just as an administrator of
2 the DOC?

3 A. He should be in control of the
4 DOC and his underlying
5 administrators, yes. I imagine
6 somebody in the top office has to
7 bear responsibility and
8 accountability for violations or
9 errors of ---.

10 Q. And what did he do to violate
11 your constitutional rights?

12 A. Well, evidently somebody ---
13 some members of the administrative
14 chain is failing to prevent these
15 incidents from happening the way
16 they've happened here. There's been
17 no resolution. There's been no
18 attempts at resolutions other than in
19 favor of the violator. I still have
20 not gotten my legal work back. I'm
21 entitled to that. I'm entitled to my
22 personal property, my legal documents
23 and records. I have not received
24 those back. What I have received has
25 been total retaliation, abuses,

1 punishments, threats.

2 Q. Who retaliated against you?

3 A. The entire administration, all
4 the times I was put in the hole on
5 false misconduct allegations, the
6 refusal to resolve any of the issues
7 properly, nothing has been resolved.
8 It's just been the violators have
9 been supported, that's it. This is
10 denied. That is denied. Everything
11 is denied. The conduct of the staff
12 members is supported basically, cut
13 and dry. That's all these papers
14 are. Nothing has been resolved.
15 Nothing has been addressed properly
16 or honestly or professionally. I'm
17 sorry, I didn't mean to --- go ahead.

18 Q. Mr. Culver, now, you said that
19 you have approximately 500 documents?

20 A. I would say at least that,
21 yes.

22 Q. Where are these documents?

23 A. Are they going to come for
24 them later?

25 Q. Well, where are the documents?

1 MR. CULVER:

2 I object.

3 A. I have them.

4 BY ATTORNEY LEWIS:

5 Q. You have them?

6 A. They exist.

7 Q. They exist?

8 A. They exist.

9 Q. I'm going to, in the next few
10 days, get together something called a
11 request for production of documents
12 that I will serve on you. Can we
13 make an arrangement here that you can
14 have them --- there will be a request
15 and then you're going to have to
16 produce them.

17 A. Can I object to that?

18 Q. On the basis? What's your
19 objection?

20 A. I think I've given you a fair
21 amount of information to your
22 questions here that are outlined in
23 this complaint.

24 Q. But once again, Mr. Culver,
25 under the federal rules of Civil

1 Procedure, I have a right to request
2 those documents. You've been
3 explaining to me through the course
4 of this deposition that they are
5 relevant.

6 A. Uh-huh (yes).

7 Q. You, in fact, with the
8 questions you have documents to back
9 this up. I have a right to see those
10 documents.

11 A. I plan to present them in
12 court. You don't want to wait until
13 then? Yes. But like I said in the
14 beginning, I also feel that I have
15 that right of courtesy which was
16 never extended to me by the
17 Defendants. I mean, they explained
18 it their way, but the things I asked
19 for are directly related to the
20 violations committed. And they're
21 going to be brought up in court and
22 they're going to have to present them
23 in court anyway. The only difference
24 is, I don't have the courtesy to have
25 that material to present the issues

1 in the complaint because they refuse
2 to give them to me. But they will be
3 brought out in court. So that's, you
4 know, you see what I'm saying?

5 Q. Do you have anything you'd
6 like to put on the record as far as
7 this case?

8 A. No, ma'am. Other than the
9 harassment, the verbal harassment by
10 staff members has been ongoing. I
11 have had problems with inmate
12 population because of the slanderous
13 allegations Vincent Mooney made
14 during the incident in L5 D-pod to
15 try to instigate inmate aggression
16 against me.

17 Q. How so?

18 A. He made a lot of slanderous
19 statements against me to try to turn
20 inmates against me, to have them
21 retaliate against me, basically
22 assault me, if possible. And I've
23 had problems since then with certain
24 individuals that were present on that
25 pod during that time when he made

1 those statements and I've gotten
2 threats and been in --- I can't
3 really state the incidents because
4 they could probably be used against
5 me, you know. So at this time we'll
6 just say that I've been put in
7 dangerous situations because of those
8 statements that Security Captain
9 Vincent Mooney made in slander
10 against me during that incident.

11 Q. Anything else?

12 A. Nope. No.

13 ATTORNEY LEWIS:

14 Thank you.

15
16 * * * * *

17 DEPOSITION CONCLUDED AT 11:40 A.M.

18 * * * * *

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24

25

COMMONWEALTH OF PENNSYLVANIA)

COUNTY OF CLEARFIELD)

C E R T I F I C A T E

I, Rhonda K. Lingle, Notary Public in and for
the Commonwealth of Pennsylvania, do hereby certify:

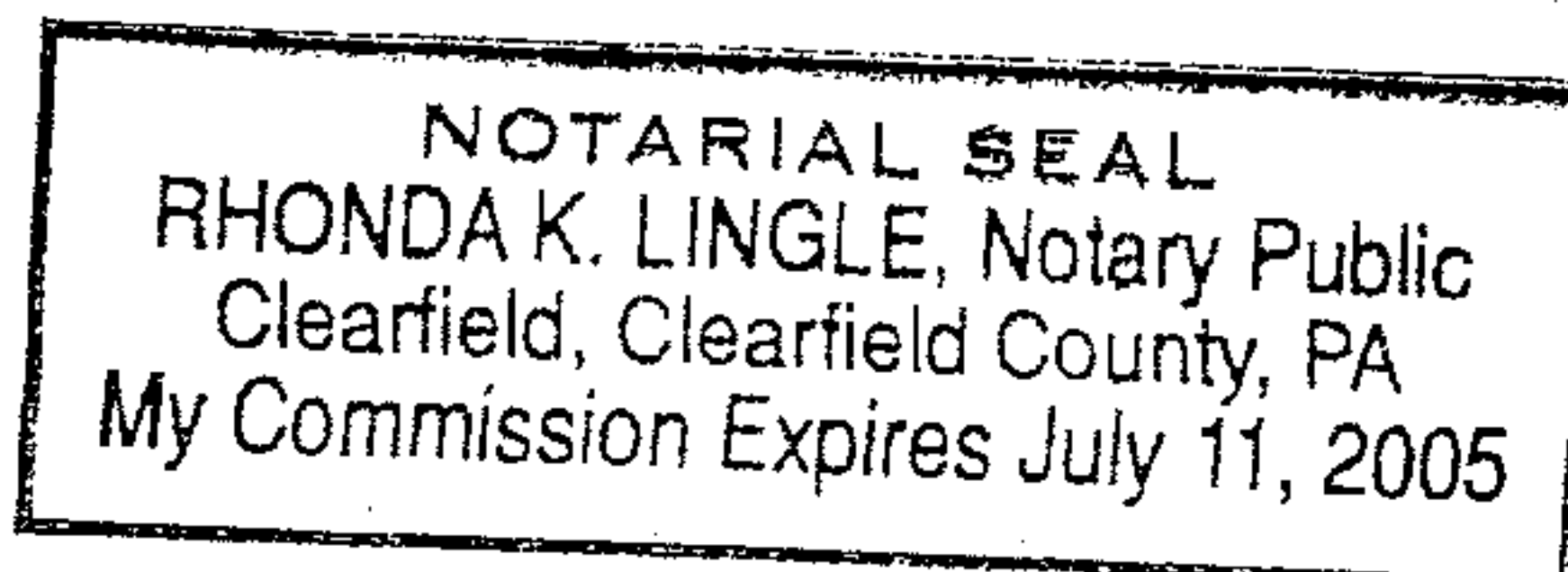
That the witness was hereby first duly sworn to
testify to the truth, the whole truth, and nothing
but the truth; that the foregoing deposition was
taken at the time and place stated herein; and that
the said deposition was taken in Stenotype by me and
reduced to typewriting, and constitutes a true and
correct record of the testimony given by the witness.

I further certify that the reading and signing
of said depositions were (not) waived by counsel for
the respective parties and by the witness.

I further certify that I am not a relative,
employee or attorney of any of the parties, nor a
relative or employee of counsel, and that I am in no
way interested directly or indirectly in this action.

IN WITNESS WHEREOF, I have hereunto set my hand
and stamp this 8 day of Aug 2002.

Rhonda K. Lingle



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• CLEARFIELD, PA

• STATE COLLEGE, PA

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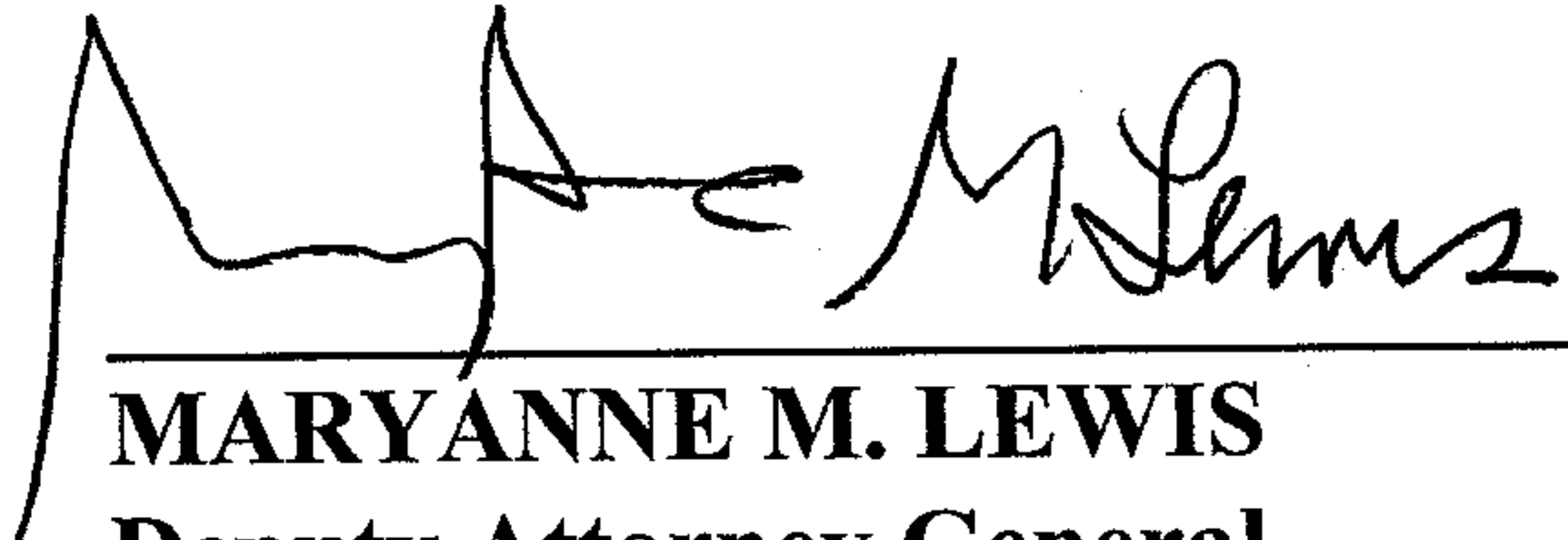
• WILKES-BARRE, PA

• CHARLESTON, WV

CERTIFICATE OF SERVICE

I, **MARYANNE M. LEWIS**, Deputy Attorney General, hereby certify that on this date I caused to be served the foregoing **Documents in Support of Defendants' Motion for Summary Judgment**, by depositing a copy of the same in the United States mail, postage prepaid, in Harrisburg, PA., addressed to the following:

Brett T. Culver, #DD 3483
SCI-Mahanoy
301 Morea Road
Frackville, PA 17932



MARYANNE M. LEWIS
Deputy Attorney General

DATE: May 9, 2003